

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-02258-KBJ**

LEOPOLD v. NATIONAL SECURITY AGENCY
Assigned to: Judge Ketanji Brown Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 11/14/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JASON LEOPOLD**

represented by **Joseph Creed Kelly**
LAW OFFICE OF JOSEPH CREED
KELLY
1712 Eye Street, NW
Suite 915
Washington, DC 20006
(202) 540-9021
Fax: (202) 540-9021
Email: jck@jcklegal.com
ATTORNEY TO BE NOTICED

V.

Defendant**NATIONAL SECURITY AGENCY**

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/14/2016	<u>1</u>	COMPLAINT against NATIONAL SECURITY AGENCY (Filing fee \$ 400 receipt number 0090-4743780) filed by JASON LEOPOLD. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Kelly, Joseph) (Entered: 11/14/2016)
11/16/2016		Case Assigned to Judge Ketanji Brown Jackson. (sb) (Entered: 11/16/2016)
11/16/2016	<u>2</u>	SUMMONS (3) Issued Electronically as to NATIONAL SECURITY AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(sb) (Entered: 11/16/2016)
12/08/2016	<u>3</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of NATIONAL SECURITY AGENCY (Braswell, Marina) (Entered: 12/08/2016)
12/15/2016	<u>4</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by NATIONAL SECURITY AGENCY (Braswell, Marina) (Entered: 12/15/2016)
12/16/2016		MINUTE ORDER granting, for good cause shown, <u>4</u> Unopposed Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint on or before 1/13/2017. Signed by Judge Ketanji Brown Jackson on 12/16/2016 (lckbj1) Modified on 12/21/2016 (zgdf). (Entered: 12/16/2016)
12/18/2016	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL SECURITY AGENCY served on 11/30/2016, RETURN OF

		SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/22/2016., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/22/2016. (Answer due for ALL FEDERAL DEFENDANTS by 12/22/2016.) (Attachments: # <u>1</u> Exhibit Proof of USPS Service via Certified Mail)(Kelly, Joseph) (Entered: 12/18/2016)
12/21/2016		Set/Reset Deadlines: Answer due by 1/13/2017 (gdf) (Entered: 12/21/2016)
01/13/2017	<u>6</u>	ANSWER to Complaint by NATIONAL SECURITY AGENCY.(Braswell, Marina) (Entered: 01/13/2017)
01/17/2017		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure, on or before 2/3/2017. Signed by Judge Ketanji Brown Jackson on 1/17/2017. (lckbj1) (Entered: 01/17/2017)
02/03/2017	<u>7</u>	PROPOSED BRIEFING SCHEDULE re Order,, Set Deadlines, by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 02/03/2017)
02/08/2017		MINUTE ORDER adopting the parties' proposed briefing schedule. It is hereby ORDERED that the following schedule is set for briefing Defendant's Open America motion: Defendant's motion is due on or before 2/24/2017; Plaintiff's opposition is due on or before 3/8/2017; and Defendant's reply is due on or before 3/15/2017. Signed by Judge Ketanji Brown Jackson on 02/08/2017. (lckbj1,) (Entered: 02/08/2017)
02/22/2017	<u>8</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 2/22/2017. (lckbj1) (Entered: 02/22/2017)
02/22/2017	<u>9</u>	Unopposed MOTION for Extension of Time to File <i>Open America Motion and Amend Briefing Schedule</i> by NATIONAL SECURITY AGENCY (Braswell, Marina) (Entered: 02/22/2017)
02/24/2017		ORDER granting <u>9</u> Motion for Extension of Time to File Open America Motion. It is hereby ORDERED that the briefing schedule previously set in this matter is amended as follows: Defendant's motion is due on or before 3/6/2017; Plaintiff's opposition is due on or before 3/20/2017; and Defendant's reply is due on or before 3/27/2017. Signed by Judge Ketanji Brown Jackson on 02/24/2017. (lckbj1) (Entered: 02/24/2017)
03/06/2017	<u>10</u>	MOTION to Stay by NATIONAL SECURITY AGENCY (Attachments: # <u>1</u> Sherman Declaration, # <u>2</u> Exhibits A-E, # <u>3</u> Exhibits F-L)(Braswell, Marina) (Entered: 03/06/2017)
03/07/2017		NOTICE OF ERROR re <u>10</u> Motion to Stay; emailed to Marina.Braswell@usdoj.gov, cc'd 3 associated attorneys --- The PDF file you docketed contained errors: 1. Please file an Errata with the correct order as an attachment. (ztd,) (Entered: 03/07/2017)
03/21/2017	<u>11</u>	Memorandum in opposition to re <u>10</u> MOTION to Stay filed by JASON LEOPOLD. (Attachments: # <u>1</u> Text of Proposed Order)(Kelly, Joseph) (Entered: 03/21/2017)
03/21/2017		MINUTE ORDER. On February 22, 2017, this Court issued its <u>8</u> General Order and Guidelines for Civil Cases, which lays out in detail instructions for briefing any motion in this matter. Defendant's <u>10</u> Motion to Stay Proceedings, for Summary Judgment, does not conform to a number of these instructions, e.g., it does not contain a Table of Contents and Table of Authorities (<u>5</u> (a)(i)), it does not contain an index of exhibits (<u>5</u> (a)(vi)), and the various attachments to the motion are not filed as separate PDFs and appropriately labeled in ECF (<u>3</u> (c)(ii)). Plaintiff's <u>11</u> Opposition is likewise deficient in that it does not contain a full Table of Contents that reflects the subheadings in the brief. Accordingly, it is hereby ORDERED that on or before 3/27/2017, each party shall file an ERRATA attaching an updated copy of its filing that fully complies with this Court's <u>8</u> General Order and Guidelines. Any future

		submissions by either party that do not fully comply the 84 General Order and Guidelines will not be accepted. Signed by Judge Ketanji Brown Jackson on 03/21/2017. (lckbj1) (Entered: 03/21/2017)
03/22/2017	<u>12</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Stay by NATIONAL SECURITY AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 03/22/2017)
03/23/2017		MINUTE ORDER granting, for good cause shown, <u>12</u> Consent Motion for Extension of Time to File Reply re <u>10</u> Motion to Stay. It is hereby ORDERED that Defendant's Reply re <u>10</u> is due on or before 4/4/2017. Signed by Judge Ketanji Brown Jackson on 03/23/2017. (lckbj1) (Entered: 03/23/2017)
03/24/2017	<u>13</u>	ERRATA by NATIONAL SECURITY AGENCY <u>8</u> Order, Order,,,,, Set Deadlines,,,, (Attachments: # <u>1</u> Defendant's Motion to Stay Proceedings, # <u>2</u> Declaration (Declaration of David J. Sherman), # <u>3</u> Index of Exhibits to the Declaration of David J. Sherman, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Exhibit K, # <u>15</u> Exhibit L, # <u>16</u> Text of Proposed Order)(Braswell, Marina) (Entered: 03/24/2017)
03/27/2017		NOTICE OF ERROR re <u>13</u> Errata; emailed to Marina.Braswell@usdoj.gov, cc'd 3 associated attorneys --- The PDF file you docketed contained errors: 1. Incorrect header/caption/case number, 2. Please refile document, 3. The Index of Exhibits and Proposed Order has the incorrect case number and caption (ztd,) (Entered: 03/27/2017)
03/27/2017	<u>14</u>	ERRATA by NATIONAL SECURITY AGENCY Order,,,,, Set Deadlines,,,, (Attachments: # <u>1</u> Index of Exhibits – caption corrected, # <u>2</u> Proposed Order – caption corrected)(Braswell, Marina) (Entered: 03/27/2017)
03/27/2017	<u>15</u>	ERRATA by JASON LEOPOLD <u>10</u> MOTION to Stay filed by NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Errata Opposition, # <u>2</u> Text of Proposed Order)(Kelly, Joseph) (Entered: 03/27/2017)
03/31/2017	<u>16</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Stay by NATIONAL SECURITY AGENCY (Braswell, Marina) (Entered: 03/31/2017)
03/31/2017		MINUTE ORDER granting <u>16</u> Motion for Extension of Time to File Reply. It is hereby ORDERED that Defendant's reply in support of its <u>10</u> Motion to Stay is due on or before April 21, 2017. Signed by Judge Ketanji Brown Jackson on March 31, 2017. (lckbj2) (Entered: 03/31/2017)
04/21/2017	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Stay by NATIONAL SECURITY AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 04/21/2017)
04/26/2017		MINUTE ORDER granting, for good cause shown, <u>17</u> Unopposed Motion for Extension of Time to File Reply re <u>10</u> Motion to Stay. It is hereby ORDERED that Defendant's reply in further support of <u>10</u> is due on or before 5/5/2017. Signed by Judge Ketanji Brown Jackson on 04/26/2017. (lckbj1) (Entered: 04/26/2017)
05/05/2017	<u>18</u>	REPLY to opposition to motion re <u>10</u> MOTION to Stay filed by NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Second Sherman Declaration)(Braswell, Marina) (Entered: 05/05/2017)
08/31/2017		MINUTE ORDER. It is hereby ORDERED that Defendant must file a status report, on or before September 14, 2017, containing an update on its progress toward processing the records that are responsive to Plaintiff's FOIA requests. Signed by Judge Ketanji Brown Jackson on August 31, 2017. (lckbj2) (Entered: 08/31/2017)
09/14/2017	<u>19</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Attachments: # <u>1</u> Declaration)(Braswell, Marina) (Entered: 09/14/2017)
09/15/2017	<u>20</u>	ORDER. See attached document for details. Signed by Judge Ketanji Brown Jackson on September 15, 2017. (lckbj2) (Entered: 09/15/2017)

09/21/2017	<u>21</u>	RESPONSE TO ORDER OF THE COURT re <u>20</u> Order to Show Cause, Set Deadlines filed by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 09/21/2017)
09/21/2017		MINUTE ORDER. Based on the government's representations made in Defendant's <u>21</u> Response to Show Cause Order, it is hereby ORDERED that Defendant's <u>10</u> is DENIED as moot. Signed by Judge Ketanji Brown Jackson on 09/21/2017. (lckbj1) (Entered: 09/21/2017)
10/10/2017	<u>22</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 10/10/2017)
11/08/2017	<u>23</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 11/08/2017)
12/08/2017	<u>24</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 12/08/2017)
01/08/2018	<u>25</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 01/08/2018)
02/08/2018	<u>26</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 02/08/2018)
03/08/2018	<u>27</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 03/08/2018)
04/09/2018	<u>28</u>	STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 04/09/2018)
05/08/2018	<u>29</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 05/08/2018)
06/08/2018	<u>30</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 06/08/2018)
07/07/2018	<u>31</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 07/07/2018)
08/08/2018	<u>32</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 08/08/2018)
09/10/2018	<u>33</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 09/10/2018)
10/09/2018	<u>34</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 10/09/2018)
11/08/2018	<u>35</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 11/08/2018)
12/10/2018	<u>36</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 12/10/2018)
01/07/2019	<u>37</u>	MOTION to Stay (<i>Defendant's Motion to Stay Proceedings in Light of Lapse of Appropriations</i>) by NATIONAL SECURITY AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 01/07/2019)
01/08/2019		MINUTE ORDER granting <u>37</u> Unopposed Motion to Stay in light of lapse of appropriations. For good cause shown, it is hereby ORDERED that all court deadlines for Joint Status Reports are STAYED. Counsel for Defendant shall notify the Court as soon as Congress has appropriated funds; at that point, the Court will enter an order resetting the applicable deadlines, which will be extended day-for-day with the duration of the lapse in appropriations. Signed by Judge Ketanji Brown Jackson on 1/8/2019. (lckbj1) (Entered: 01/08/2019)
01/29/2019	<u>38</u>	NOTICE of Appropriated Funds by Congress by NATIONAL SECURITY AGENCY re Order on Motion to Stay,, (Braswell, Marina) (Entered: 01/29/2019)

01/29/2019	<u>39</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. Defendant has provided notice that that an appropriations act providing funding to the Department of Justice for a three-week period of time was enacted on January 25, 2019 (ECF No. <u>38</u> .) Accordingly, it is hereby ORDERED that the stay in this matter is lifted, and that Defendant shall resume filing monthly status reports on the 8th of each month. Signed by Judge Ketanji Brown Jackson on 1/29/2019. (lckbj1) (Entered: 01/30/2019)
02/07/2019	<u>40</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 02/07/2019)
03/08/2019	<u>41</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 03/08/2019)
04/09/2019	<u>42</u>	Unopposed MOTION for Extension of Time to File <i>Monthly Status Report</i> by NATIONAL SECURITY AGENCY (Braswell, Marina) (Entered: 04/09/2019)
04/09/2019	<u>43</u>	Monthly STATUS REPORT by NATIONAL SECURITY AGENCY. (Braswell, Marina) (Entered: 04/09/2019)
04/10/2019		MINUTE ORDER granting, for good cause shown, <u>42</u> Consent Motion for Extension of Time to File monthly status report, nunc pro tunc. It is hereby ORDERED that Defendant's <u>43</u> Status Report is accepted as timely. Signed by Judge Ketanji Brown Jackson on 4/10/2019. (lckbj1) (Entered: 04/10/2019)